

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE CARDELLO-SMITH,

Case No. 2:25-cv-11317

Petitioner,

HONORABLE STEPHEN J. MURPHY, III

v.

MACAULEY, et al.,

Respondents.

_____ /

ORDER DENYING MOTION [5]

Derrick Lee Cardello-Smith filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and challenged his convictions out of the Wayne County Circuit Court. Because Petitioner had challenged these convictions in prior habeas petitions, this Court ordered that the case be transferred to the United States Court of Appeals for authorization to file a successive habeas petition pursuant to 28 U.S.C. § 2244(b)(3)(A). Petitioner has now filed a motion to keep the case in the district court. ECF No. 5. For the reason that follows, the motion is denied.

A district court loses jurisdiction over a state prisoner's habeas petition when it transfers it to court of appeals on the ground that it is a second or successive petition. *See Jackson v. Sloan*, 800 F.3d 260, 261 (6th Cir. 2015). This Court thus lacks jurisdiction pursuant to 28 U.S.C. §§ 1631 and 2244(b)(3)(A) to consider Petitioner's motion to keep this case in the district court. *Id.* at 261–62

WHEREFORE, it is hereby **ORDERED** that Petitioner's motion to keep the

case in the district court [5] is **DENIED**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: July 25, 2025

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 25, 2025, by electronic and/or ordinary mail.

s/ R. Loury
Case Manager